IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.554 OF 2005
IN
NOTICE OF MOTION NO.1609 OF 2005
IN
ADMIRALTY SUIT NO.54 OF 1999

FPU TAHARA & anr. .. Appellants

v/s.

Oil and Natural Gas Corporation
Limited .. Respondent

Mr.Janak Dwarkadas i/by Mr.V.K.Ramabhadran for the appellants.

Ms.Snehal Paranjpe i/by M/s.Dkivya Shah Associates for the respondent.

CORAM : R.M. LODHA AND
J.P. DEVADHAR, JJ.

DATED : 5th July, 2005

P.C.

Heard.

2. Admit.

3. The advocate on record for the respondent waives service.

4. By consent, appeal is heard finally at this stage.

5. During the course of hearing, the learned

counsel for the respondent (plaintiff) made the statement that the copies of the documents referred to in paragraphs 3,6,7,8,10,14(v) and 21 of the affidavit of S.K. Agarwal may not be treated as part of evidence presently and liberty may be granted to the plaintiff to apply to the court for production of the afore-referred documents in original or by way of secondary evidence as the case may be alongwith the supplementary affidavit in lieu of examination-in-chief of S.K.Agarwal.

6. In our considered view, the request of the learned counsel for the respondent (plaintiff) is reasonable.

7. We, accordingly, order that copies of the documents referred to in paragraphs 3,,6,7,8,10,14(v) and 21 of the affidavit of S.K. Agarwal shall not be treated as part of the plaintiff's evidence presently. The plaintiff shall be at liberty to apply to the court for production of the afore-referred documents in original or by way of secondary evidence and if such an application is made, the learned trial Judge after hearing the parties shall pass an appropriate order.

8. The order dated 24th June, 2005 passed by the

learned trial Judge in notice of motion No.1609 of 2005 stands modified in the aforesaid terms.

9. All contentions regarding admissibility and the proof of documents are kept open to be agitated before the learned trial Judge.

No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)